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C O N F I D E N T I A L SECTION 01 OF 07 STATE 004427

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SUBJECT: FSC WINTER 2010 OPENING OF ROUND GUIDANCE

REF: USOSCE 000284

Classified by: Richard A. Davis, VCI/CCA Office
Director, for reasons 1.4 (b) and (d).

11. (U) This is an action cable. See paras 4-25.

12. (SBU) Summary. USDel should continue to reaffirm our support to the OSCE through proactive and cooperative engagement in the FSC to further overall U.S. strategic objectives for the OSCE of promoting stability in the OSCE area, supporting international efforts to promote stability outside the OSCE area, partnership with Europe, addressing European hotspots, and engaging Russia. USDel also is encouraged to continue to promote practical, results-oriented initiatives in the FSC and its Working Groups, versus activities to produce consensus texts for their own sake, particularly in advance of scheduled events, i.e., end of session; the Annual Security Review Conference (ASRC); and the Annual Implementation Assessment Meeting (AIAM).

13. (C) FSC work will be conducted against the backdrop of the Corfu Process and in the wake of Russia's distribution of a draft European Security Treaty and its NATO-Russia Council companion, "Agreement on Basic Principles Governing Relations Among NATO-Russia Council Member States in the Security Sphere." USDel should continue to stress that we believe that the OSCE, with its inclusive membership and multi-dimensional approach to security, is an essential venue for discussions about European security that concern all OSCE participating States. Consistent with the President's statements, we also intend to discuss elements of Russia's European security proposals in the NATO-Russia Council as appropriate. U.S. activity in the FSC will complement our approach to broader discussions on European security. End summary.

14. (C) Kazakhstan's late-2009 co-sponsorship of Russia's proposal for a review of Vienna Document 1999 could indicate that Russia may find a willing ally in the Kazakh Chairman in Office (CiO) for efforts to "reform the FSC" with a focus on "hard" security (some Allies have indicated they will also support this effort). We expect Russia to engage early in the winter 2010 session on the 2009 Ministerial agreement (MC.DEC/16/09), which, inter alia, calls on participating States (pS) to "explore ways in which to strengthen the OSCE's political-military toolbox, with particular attention to strengthening current arms control and CSBM instruments, including strengthening the Vienna Document 1999."

Russia is likely to interpret this as a mandate to revive the Russian-Belarusian proposal to "re-open" VD99 (FSC.DEL/203/09/Rev. 1). While we do not support the Russian-Belarusian proposal, Washington currently is reviewing its approach to VD99 and proposed CSBMs and expects to transmit a response to USOSCE 00286, along with guidance on current VD99 proposals, including Denmark's proposal for establishing a category called "VD99-plus."

15. (C) Specific USDel priorities for the winter 2010 session in other areas of FSC work are:

-- Support Mission, as appropriate, for continuing political-military discussions within the Corfu Process framework.

-- Reinforce U.S. policy with respect to work on SA/LW, specifically to resist broadening the current scope of the OSCE Document on SA/LW, especially if, as expected, the Greek FSC Chairmanship attempts to develop a plan of action by May 2010.

-- Encourage pS to uphold OSCE rules and procedures by keeping FSC matters, such as the introduction of new proposals, in the FSC plenary and working groups rather than in separate venues, such as Heads of Verification

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(HOV) meetings. Looking at efforts to divert attention at the December 2009 HOV meeting to discussion of proposals rather than implementation practices, the U.S. is not enthusiastic about the idea of scheduling separate HOV meetings in the future.

-- Build on the momentum generated in 2009 to further UNSCR 1540 implementation, including encouraging other pS to author Best Practice Guide (BPG) chapters.

-- Work with both the CiO and the FSC Chair to frame discussions of a cross-dimensional nature (i.e., 1540, crisis management, etc.) in the FSC Security Dialogue.

-- Encourage pS who have not yet provided their annual CSBM data on military forces to forward their submissions.

Continuing the "Corfu Process"

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16. (SBU) The December 2009 Ministerial Council decision on "Furthering the Corfu Process" (MC.DEC/1/09) tasked the Kazakh CiO, in close consultation with the 2010 FSC Chairmanships, to continue the informal, regular, and open dialogue in the framework of the Corfu Process. We recognize that one of the issues for discussion under the Corfu Process is the "role of the arms control and confidence- and security-building regimes in building trust, in the evolving security environment" (MC.DEC/1/09). USDel is encouraged to work constructively with 2010 FSC Chairs (Greece, Hungary, and Ireland, respectively) to ensure use of the FSC as the appropriate arms control expert forum for contributions to this process, thereby ensuring that discussions in the FSC complement, rather than duplicate, Corfu Process discussions addressing the range of European security issues.

SALW/SCA

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17. (SBU) The September 22-23, 2009 meeting to review the OSCE Document on Small Arms and Light Weapons (SA/LW) (FSC.DOC/1/00) and its supplementary decisions resulted in a survey of suggestions (FSC.GAL/109/09). Incoming

FSC Chair Greece used that document in its entirety as the basis for a draft SA/LW plan of action to be adopted by the FSC by May 2010 (as tasked by Ministers). With regard to the Greek FFT on the OSCE Plan of Action on SA/LW (FSC.DEL/213/09), Washington remains extremely reluctant to expand the nature of work on SA/LW beyond the already agreed scope of the OSCE Document on SA/LW. Many proposed activities in the Greek FFT go beyond the existing Document. U.S. policy also maintains a distinct separation between SA/LW and Stockpiles of Conventional Ammunition (SCA), and we would oppose any attempt to consolidate the OSCE SA/LW and SCA normative documents. More specific guidance on the Greek FFT paper will be provided as appropriate.

18. (SBU) Washington believes that the FSC can successfully develop a general plan of action on SA/LW in the next few months to meet the tasking from Ministers. Although there are some useful elements in the Greek FFT, it tries to capture all the elements of FSC.GAL/109/09, and addresses too many issues at the outset, including several that the U.S. cannot support. USDel should be aware of the following U.S. policy views:

-- With regard to some of the suggestions on further SA/LW work made to date (FSC.GAL/109/09), USDel should:

1) support proposals to provide assistance with destruction and stockpile security and management to requesting states;

2) encourage individual governments to establish brokering controls based on the recommendations of the UN Group of Governmental Experts (GGE) (A/62/163);

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3) promote the implementation of the UN International Tracing Instrument (ITI) by all states; and

4) emphasize that the United States continues to oppose any OSCE action that goes beyond the scope of the existing Document on SA/LW, including many of the items in the survey of suggestions.

-- USDel should oppose efforts to:

1) further amend the definition of SA/LW;

2) require marking of ammunition, which is outside the scope of the ITI;

3) create new mechanisms or agencies to enforce or monitor implementation of the OSCE Document or the ITI;

4) adopt the International Small Arms Control Standards (ISACS) either as best practice or as part of the OSCE SA/LW plan of action, as ISACS crosses several U.S. redlines such as civilian possession; and,

5) agree on standardized definitions of normative factors to consider when transferring SA/LW.

19. (SBU) In order to move out quickly with development of the SA/LW plan of action, USDel should suggest that the Greek Chair focus attention on the three areas outlined in its FFT, rather than elaborating specific measures. A plan of action could identify a timeline for discussions to address each of these three areas over the course of 2010, without prejudging the outcome of those discussions: 1) improvement of implementation of existing measures; 2) improvement of SA/LW technical standards and measures; and 3) issues for further consideration.

¶10. (SBU) USOSCE should seek additional guidance from Washington on specific proposals as they are tabled. Proposals must be consistent with existing obligations under the UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in SA/LW in All Its Aspects (PoA).

¶11. (SBU) With regard to brokering, the report of the UN GGE to Further Consider Steps to Enhance International Cooperation in Preventing, Combating and Eradicating the Illicit Brokering of SA/LW (A/62/163) was signed by the Secretary General, committing all states to its recommendations. Therefore, any action within the OSCE on brokering should be based on the agreed-upon GGE recommendations and not EU brokering regulations, which have many loopholes.

¶12. (SBU) With regard to developing national legislation on SA/LW, Washington believes it is better to focus on building capacity, as there are several examples of model legislation already available. Washington is not in favor of developing either additional UN PoA focal point training or another best practice guide, as such initiatives will not move countries toward establishing the legal frameworks needed.

¶13. (SBU) Washington has no objection to the OSCE participating in the Fourth Biennial Meeting of State Parties on the UN PoA, scheduled for 2010, provided that the OSCE not advocate for the expansion of the PoA's scope. USDel should make clear that OSCE participation should be limited to reporting on OSCE activities under the SA/LW Document, sharing lessons learned, and coordinating with other organizations. The OSCE should not advocate for additional agreements, regulations, reporting mechanisms, UN conferences, or norms.

Landmines and cluster munitions (If raised):

¶14. (SBU) If the issue of landmines is raised, USDel should be clear that any OSCE effort should not be duplicative of extensive on-going activities in this field. On U.S. policy specifically, the Administration announced a comprehensive review in November, which is on-going. In addition to the points below, the

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delegation can draw on Department Press guidance from November 27 and related fact sheets (provided via email).

-- Any OSCE endeavor on landmines or humanitarian mine action (HMA) should be fully coordinated with other international, regional, and national efforts. There is robust international activity on this issue and the OSCE should not duplicate efforts.

-- Regarding U.S. landmine policy, the Administration is committed to undertaking a comprehensive review. This review is under way, and we expect it to take some time.

¶15. (SBU) If the issue of cluster munitions is raised under this topic or elsewhere, USDel should clearly outline U.S. policy on cluster munitions, their use, and related Explosive Remnants of War (ERW) concerns in line with the comments below (ref 08STATE125608):

-- On June 19, 2008, Secretary Gates signed a new DoD Policy, "Cluster munitions and Unintended Harm to Civilians" ([www.defenselink.mil/news/d20080709cmpolicy.p df](http://www.defenselink.mil/news/d20080709cmpolicy.pdf)). This policy was designed to reduce the unintended harm to civilians and civilian infrastructure caused by the use of cluster munitions, a goal shared by many pS. By 2018, the U.S. will only employ cluster munitions that, after arming, have an unexploded ordnance (UXO) rate of

no more than one (1) percent. In the intervening period, the use of cluster munitions with a greater than one percent UXO rate requires Combatant Commander approval.

-- Although the U.S. is not a signatory to the Convention on Cluster Munitions (CCM), signed by 104 governments, we share the goal of signatories to the CCM of reducing the humanitarian harm caused by these weapons, as reflected in this DoD policy. The U.S. is also a global leader in humanitarian mine action and clearing ERW, including those created by cluster munitions.

-- The U.S. continues to strongly support negotiations within the framework of the Convention on Conventional Weapons (CCW) on a protocol that would require states to phase in technical improvements to cluster munitions over time, minimizing the humanitarian impact of their use. We believe that finalizing such a protocol in the CCW, which includes the world's major users and producers of cluster munitions, would have humanitarian benefits and complement CCW protocol V on Explosive Remnants of War.

-- As with mine action, any OSCE endeavor on cluster munitions, including post-conflict clearance of unexploded submunitions, should be fully coordinated with other international, regional, and national efforts.

HOV Meetings

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¶16. (SBU) During the December 14, 2009 meeting of the OSCE Heads of Verification (HOV), two new Food-For-Thought papers - the Conflict Prevention Centre FFT on distribution of air base visits (FSC.GAL/139/09) and the Czech Republic FFT on organizing Chapter IV contacts and demonstrations (FSC.DEL/210/09) - were circulated for HOV review. The HOV meeting is strictly a technical discussion forum on VD99 implementation issues and is not a working body of the FSC, nor is it empowered to make policy recommendations to the FSC. As such, we do not believe it is the appropriate forum for pS to present new VD99 proposals in the form of Food-for-Thought papers. Furthermore, while many pS employ their heads of verification to spearhead all VD99 activities, this is not universally the case. Tabling new proposals for discussion and/or review in the HOV meeting therefore preempts full discussion by pS that do not centralize all VD99 activities under their respective HOV.

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¶17. (SBU) Washington has not yet reviewed the Czech Republic FFT, as we do not consider it to have been officially submitted for FSC review. USDel should request that the paper be formally introduced to the FSC, per current practice, noting that the FSC remains the only appropriate forum for all new VD99 proposals and that we do not wish to see its authority weakened. The status of the CPC paper is unclear: it is useful for the CPC to provide information on implementation trends, but Washington believes this paper goes beyond that in proposing a specific planning mechanism in an attempt to solicit additional work for itself. The CPC is tasked by the FSC to review implementation of VD99 and only to provide the AIAM with its findings (i.e., how many inspections, refusals, missing AEMI submissions). The CPC is not tasked with providing the HOVs or AIAM with proposals for consideration.

¶18. (SBU) Distribution of these two papers had the effect of introducing new proposals in the HOV, rather

than keeping matters that fall under its purview in the FSC plenary and working groups. As a result of this effort to divert attention at the December 2009 HOV meeting to discussion of proposals rather than implementation practices, the U.S. is not enthusiastic about the idea of scheduling separate HOV meetings in the future.

UNSCR 1540

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¶19. (SBU) USDel should leverage the positive momentum achieved in 2009 to encourage other pS to draft additional Best Practice Guide chapters (such as France, Germany, and the UK, as well as other pS suggested in separate email). Washington recommends approaching countries with the technical capacity to author chapters, as well as exploring the possibility of NGO assistance for countries without sufficient capacity to take on such an endeavor. USDel should follow-up with the Canadian delegation on the status of its draft chapter on physical security and encourage formal distribution of the chapter as soon as possible. This will enable countries' technical experts to begin reviewing the draft and suggesting constructive inputs.

¶20. (SBU) USDel is also encouraged to continue efforts to institute the formation of a "Friends of 1540" group. USDel should follow up on British, Italian, and French commitment in establishing this group, along with other interested pS, which can contribute to developing concrete proposals on enhancing the implementation of 1540 within the OSCE region. USDel should also continue to work with the UK and the OSCE Secretariat/CPC (Matthew Geertsen) on establishing the OSCE 1540 Expert position in the Secretariat/Conflict Prevention Center (CPC) as an extra-budgetary project. (Note. The U.S. has sent funds for this project to Vienna. The UK has indicated that it is in the process of committing funds and should be pressed to establish a timeframe for when FCO funds will be forthcoming. Also, other pS contributions should be encouraged to devote funds to the project. End Note).

¶21. (SBU) USDel should work with co-sponsors of the Food-for-Thought paper on a comprehensive OSCE strategy among Vienna-based IGOs to approach Kazakhstan to promote follow-on action with the OSCE in Fall 2010 to demonstrate leadership on nonproliferation through ongoing support for implementation of UNSCR 1540, as well as the December Ministerial Nonproliferation Declaration. This support should be early agreement to organize, in its role as CiO, a workshop to mark the four-year anniversary of the OSCE November 2006 workshop on implementation of UNSCR 1540, which may require extra-budgetary contributions from Kazakhstan as well as other FFT sponsors. (Note. The USG may be able to provide a modest financial contribution. End Note.) USDel is requested to work with the U.S. Mission to UNVIE in coordinating with Kazakhstan to organize what we recommend should be a 1-2 day review of OSCE activities in support of nonproliferation, and include recommendations on how the OSCE, and other Vienna

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organizations, can work with the United Nations 1540 Committee and its Panel of Experts. Because we would expect significant costs to be associated with this effort, USDel should encourage the Kazakh CiO - and may also assist in this effort - to work with the Conflict Prevention Center to elaborate an extra-budgetary project to conduct the nonproliferation review seminar/workshop. USDel can draw from the following points as appropriate:

-- We support efforts to evolve the OSCE's approach to

confronting new threats, including the threat from sensitive technologies for Weapons of Mass Destruction.

-- In that respect, we hope both the PC as well as the FSC can make an active contribution to the ability of pS to advance their commitments as emphasized in UNSCR 1887, which was adopted unanimously by the UN Security Council at the Heads of State/Government level, and underscored cooperative action and regional approaches.

-- OSCE bodies can make 2010 a year in which the nexus between WMD proliferation and terrorism receives increased attention. This approach would underline the OSCE's role as the vanguard "regional organization" and make it a model for 1540 and other nonproliferation-related implementation efforts by other international organizations.

-- The OSCE can practically respond to the 1540 Committee Chair's letter dated December 29, 2009 through an early decision to convene a review of the role of the OSCE in implementation of UNSCR 1540, also considering the contribution of sister institutions in Vienna, such as the IAEA and UNODC.

¶22. (SBU) To help structure a common message on UNSCR 1540, USDel may draw on the following points in discussions:

-- We rely on (participating State) as a strong, original supporter of 1540 objectives, to actively support our common ability to assist other States - as we are doing with other partners like the EU, NATO, IAEA, UNODC, OPCW, INTERPOL, etc.

-- Resolution 1810 is an important success not only because it achieved a three-year extension, but because it focuses on regional action toward implementation of UNSCR 1540 worldwide to prevent WMD proliferation.

-- An OSCE 1540 expert will help facilitate OSCE efforts that support the multiple initiatives underway with regional, intergovernmental, and nongovernmental organizations.

-- A group-of-friends is a useful approach and delegations could include from time to time representatives from capitals, as Washington has on occasion with its UNSCR 1540 Coordinator. This may help in building a common understanding.

Security Dialogue
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¶23. (SBU) In the exchange of military information provided in December 2009, Russia reported a significant reduction in the number of reportable formations and units, as well as total equipment. USDel is requested to ask Russia to provide information to the FSC on its military restructuring efforts within the context of the Security Dialogue.

¶24. (SBU) USDel is encouraged to work with the FSC chairmanships to frame discussions of a cross-dimensional nature in the FSC Security Dialogue (i.e., energy security, 1540, etc.). USDel should look for ways, when appropriate, to link PC discussions to issues addressed in the FSC, thereby increasing the role of the FSC Security Dialogue in enhancing Euro-Atlantic security. USDel should also coordinate with the successive FSC Chairs to include substantive U.S. presentations on topics that advance U.S. strategic

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objectives, information on which will be provided as appropriate. Washington notes the incoming Greek FSC

Chair's interest in U.S. presentations on Missile Defense and START, as reported in reftel. Without making a commitment, USDel should determine whether there is interest among other delegations for a Security Dialogue presentation on Missile Defense, as well as START Follow-On, within the broader context of nonproliferation efforts.

¶25. (SBU) Once again, Kyrgyzstan, Tajikistan, and Uzbekistan did not provide required VD99 data during the data exchange on December 15. Request USDel approach these pS to inquire as to the status of their data. Additionally, USDel should ask whether Russia, which did not provide an electronic data set (compatible with the Automated Data System) when it provided its data on December 24, intends to distribute these files.
CLINTON